

24-75-1304. Legislation - programs or services reliant on grants - repeal of program. (1) Beginning on January 1, 2011, the legislative council staff shall keep a record of all bills passed during each session of the general assembly that rely entirely or in any part on grant moneys for the funding source of a program, service, study, interim committee, or other function of state government that is required by the bill.

(2) Any bill passed by the general assembly on or after January 1, 2011, that includes a program, service, study, interim committee, or other function of state government and that relies entirely or in any part on grant moneys as its funding source shall include a provision requiring notice of funding that requires the state agency that will oversee the program, service, study, interim committee, or other function of state government pursuant to the bill to report to the legislative council staff when it has received adequate funding for the relevant portions of the bill through grant moneys. In the event that a legislative interim committee is created through a resolution and is dependent on grants to fund the committee, the legislative council staff shall be the entity responsible for tracking whether grant moneys have been received in an amount that is sufficient to fund the interim committee.

(3) The notice to the legislative council staff required pursuant to subsection (2) of this section shall include the same information regarding the grant that the state agency is required to submit to the joint budget committee pursuant to section 24-75-1303 (3).

(4) If the legislative council staff does not receive notice of funding pursuant to subsection (2) of this section within two years after the effective date of the bill, the legislative council staff shall include the bill number on the list provided to the president of the senate, the speaker of the house of representatives, and the revisor of statutes pursuant to subsection (5) of this section.

(5) On or before December 1, 2012, and on or before December 1 each year thereafter, the legislative council staff shall submit to the members of the executive committee of the legislative council of the general assembly, the members of the committee on legal services, and the revisor of statutes a list of the bills that have not received funding from grants in an amount sufficient to fund the programs, services, studies, interim committees, or other functions of state government contained in such bills.

(6) Beginning with the first regular session of the sixty-ninth general assembly, commencing in January 2013, the revisor of statutes, under the supervision and direction of the committee on legal services, shall prepare and submit annually one or more bills containing the repeal of the statutory provisions created by the bills included on the list prepared pursuant to subsection (5) of this section.



Colorado
Legislative
Council
Staff

Room 029 State Capitol, Denver, CO 80203-1784
(303) 866-3521 FAX: 866-3855 TDD: 866-3472

MEMORANDUM

December 3, 2012

TO: Executive Committee of Legislative Council
Committee on Legal Services
Revisor of Statutes

FROM: Mike Mauer, Director of Research, 303-866-3521

SUBJECT: Reporting Requirement for Bills Funded with Gifts, Grants, and Donations

Section 24-75-1304, C.R.S., requires that the Legislative Council Staff keep a list of bills passed by the General Assembly that rely on gifts, grants, or donations. It also requires that the staff provide to the General Assembly by December 1 each year a list of bills that have not received sufficient funding from gifts, grants, or donations.

Table 1 provides a list of the 12 bills recently passed by the General Assembly establishing state government functions that rely on gifts, grants and donations. As of the date of this report, no agency has provided notice to the Legislative Council Staff of having received adequate funding. However, a lack of notice may not indicate of a lack of funding. Indeed, some of the agencies listed in Table 1 may have received adequate funding but have not yet provided notice because the statutory deadline for providing notice is two years after the bill's effective date, and for this initial report, none of the deadlines have yet passed.

The bills in Table 1 are listed in order of the respective deadline, the first of which falls on March 17, 2013. Updated information on the funding of these bills from gifts, grants, and donations will be provided as it becomes available.

Table 1
Bills That Rely on Funding From Gifts, Grants, and Donations

Bill No.	State Department	State Government Function	Deadline
2011 Bills			
HB 1027	Human Services	Dept of Defense Child Care Pilot Program	March 17, 2013
SB 85	Public Safety	Prostitution Enforcement Grants	May 3, 2013
SB 200	Health Care Policy & Financing	Health Benefit Exchange	May 31, 2013
HB 1080	Personnel & Administration	Address Confidentiality Program	June 1, 2013
SB 267	Higher Education, Natural Resources, Governor	Forest Biomass Use Work Group	June 7, 2013
HB 1126	Education	Parent Involvement in Turnaround Schools	August 10, 2013
HB 1216	Revenue	Disability Benefit License Plates	April 25, 2013
2012 Bills			
HB 1063	Human Services	Homelake Military Veterans Cemetery	May 3, 2014
HB 1124	Education	Study of Digital Learning in CO	May 24, 2014
HB 1052	Regulatory Agencies	Health Care Work Force Data Collection	July 1, 2014
HB 1099	Public Health & Environment	Committee to Study Hemp Remediation	July 1, 2014
HB 1272	Labor & Employment	Outreach Efforts to Unemployed Persons	July 1, 2014

DRAFT
1.22.13

Gifts Grants and Donations

Bill No.	Eff. Date	C.R.S.	Department	Government Function	Sections of Bill Draft
2011 Legislation					
<u>SB 11-85</u> B. Schaffer McCann	8/10/11	24-33.5-513	Public Safety	Prostitution enforcement resources grant program	Sections 1-6
<u>SB 11-200</u> Boyd Stephens	6/1/11	10-22-104	Placed in Title 10 - Insurance	Health benefit exchange (10-22-106) [Also creates the Legislative Health Benefit Exchange Implementation Review Committee -- no GGDs]	Section 7
<u>SB 11-267</u> Schwartz Coram	6/8/11	23-31-314	Higher Ed [Title 23]	CO forest biomass use work group	Already repealed, eff. 7/1/12.
<u>HB 11-1027</u> Looper Newell	3/17/11	26-6-605	Human Services	Dept. of Defense quality child care standards pilot program	Section 8
<u>HB 11-1080</u> Todd S. King	6/2/11	24-30-2115	Personnel	Address confidentiality program grant fund	Section s 9-14
<u>HB 11-1126</u> Duran Hudak	8/10/11	22-30.5-520	Education	State charter school institute board	Sections 15-18
<u>HB 11-1216</u> Riesberg Aguilar	4/26/11	•24-30-2203	• DPA	• Disabled-benefit support contract committee [auto repeal 9/1/21]	• Sections 19 & 20
		•42-1-403	• Revenue	• License plate auction group	• Sections 21 & 22

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT
3.18.13

DRAFT

LLS NO. 13-0880.01 Jennifer Gilroy x4327

COMMITTEE BILL

Committee on Legal Services

SHORT TITLE: "Repeal 2011 Legislation Insufficient Grant Funding"

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF CERTAIN LEGISLATION ENACTED IN 2011**
102 **DUE TO THE RECEIPT OF INSUFFICIENT GRANT MONEYS FOR**
103 **FUNDING.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Committee on Legal Services. In 2010, the general assembly enacted legislation establishing a process requiring legislative council staff to keep a record of all bills enacted on and after January 1, 2011, that rely entirely or in any part on grant moneys for the funding source of a

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

program, service, study, interim committee, or other function of state government required by the bill. The general assembly defined the term "grant moneys" to include any direct cash subsidy or other direct contribution of moneys from the federal government that was not required to be repaid as well as gifts, grants, or donations greater than \$50 from a nongovernmental entity to a state entity that were not required to be repaid. The 2010 legislative process requires:

- The state agency overseeing the program, service, study, interim committee, or other function of state government to report to the legislative council staff when it has received adequate funding through grant moneys for the relevant portions of the bill;
- Legislative council staff to report a list of the bills each year to the president of the senate, the speaker of the house of representatives, and the revisor of statutes if, within 2 years after the effective date of the bill, that staff has not received the notice of adequate funding from the oversight state agency;
- Legislative council staff to submit a list of the bills that have not received funding from grants in an amount sufficient to fund the programs, services, studies, interim committees, or other functions of state government contained in the bills to the executive committee of the legislative council, the committee on legal services, and the revisor of statutes; and
- Beginning with the 2013 legislative session, the revisor of statutes, under the supervision and direction of the committee on legal services, to prepare and submit one or more annual bills repealing the pertinent statutory provisions created by the bills included on the list.

There are 6 bills from the 2011 legislative session that include provisions subject to the 2010 legislative process and for which the oversight state agency did not provide legislative council staff with notice of sufficient funding for the portion of the bill establishing a program, service, study, interim committee, or other state government function. This bill repeals portions of the following bills, based upon the terms of the 2010 legislation:

- **Senate Bill 11-85** Concerning increasing the enforcement of prohibitions against certain prostitution-related offenses, and, in connection therewith, authorizing the creation of a program for certain first-time offenders of such offenses.
- **Senate Bill 11-200** Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.

- **House Bill 11-1027** Concerning the creation of the department of defense quality child care standards pilot program.
 - **House Bill 11-1080** Concerning the address confidentiality program, and making an appropriation therefor.
 - **House Bill 11-1126** Concerning measures to encourage greater parent involvement in public schools.
 - **House Bill 11-1216** Concerning the funding of programs that help persons with disabilities obtain benefits by the sale of uniquely valuable registration numbers for vehicles, and making an appropriation therefor.
-

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, repeal 13-10-126 as
3 follows:

4 **13-10-126. Prostitution offender program authorized -**
5 **reports.** (1) ~~Subject to the provisions of this section, a municipal or~~
6 ~~county court, or multiple municipal or county courts, may create and~~
7 ~~administer a program for certain persons who are charged with soliciting~~
8 ~~for prostitution, as described in section 18-7-202, C.R.S., patronizing a~~
9 ~~prostitute, as described in section 18-7-205, C.R.S., or any corresponding~~
10 ~~municipal code or ordinance.~~

11 (2) ~~A program created and administered by a municipal or county~~
12 ~~court or multiple municipal or county courts pursuant to subsection (1) of~~
13 ~~this section shall:~~

14 (a) ~~Permit enrollment in the program only by an offender who~~
15 ~~either:~~

16 (i) (A) ~~Has no prior convictions or any charges pending for any~~
17 ~~felony, for any offense described in section 18-3-305, 18-3-306, or~~
18 ~~18-13-128, C.R.S., in part 4 or 5 of article 3 of title 18, C.R.S., in part 3,~~
19 ~~4, 6, 7, or 8 of article 6 of title 18, C.R.S., in section 18-7-201.7,~~

1 ~~18-7-203, 18-7-205.7, or 18-7-206, C.R.S., or in part 3, 4, or 5 of article~~
2 ~~7 of title 18, C.R.S., or for any offense committed in another state that~~
3 ~~would constitute such an offense if committed in this state; and~~

4 ~~(B) Has been offered and has agreed to a deferred sentencing~~
5 ~~arrangement as described in subsection (3) of this section; or~~

6 ~~(II) (A) Has at least one prior conviction for any offense described~~
7 ~~in section 18-7-201, 18-7-202, 18-7-204, 18-7-205, 18-7-207, or~~
8 ~~18-7-208, C.R.S.; or for any offense committed in another state that~~
9 ~~would constitute such an offense if committed in this state; and~~

10 ~~(B) Has been sentenced by a court to complete the program as part~~
11 ~~of the penalty imposed for a subsequent conviction for soliciting for~~
12 ~~prostitution, as described in section 18-7-202, C.R.S., patronizing a~~
13 ~~prostitute, as described in section 18-7-205, C.R.S., or any corresponding~~
14 ~~municipal code or ordinance.~~

15 ~~(b) Permit the court or courts to require each offender who enrolls~~
16 ~~in the program to pay an administration fee, which fee the court or courts~~
17 ~~shall use to pay the costs of administering the program;~~

18 ~~(c) To the extent practicable, be available to offenders, courts, and~~
19 ~~prosecutors of other jurisdictions; and~~

20 ~~(d) Be administered by the court or courts with assistance from~~
21 ~~one or more municipal prosecutor's offices, one or more district attorney's~~
22 ~~offices, one or more state or local law enforcement agencies, and one or~~
23 ~~more nonprofit corporations, as defined in section 7-121-401, C.R.S.,~~
24 ~~which nonprofit corporations have a stated mission to reduce human~~
25 ~~trafficking or prostitution. The court or courts are encouraged to consult,~~
26 ~~in addition to the aforementioned entities, recognized criminology experts~~
27 ~~and mental health professionals.~~

1 (3)(a) Enrollment in the program shall be offered to each offender
2 at the sole discretion of the prosecuting attorney in each offender's case.

3 (b) If the prosecuting attorney offers enrollment in the program to
4 an offender as a condition of a plea bargain agreement as described in
5 subparagraph (I) of paragraph (a) of subsection (2) of this section, the
6 agreement shall include at a minimum the following stipulations:

7 (I) The offender shall enter a plea of guilty to the
8 prostitution-related offense or offenses with which he or she is charged;

9 (II) The court shall defer judgment and sentencing of the offender
10 for a period not to exceed two years, as described in section 18-1.3-102
11 (1), C.R.S., during which time the offender shall enroll in and complete
12 the program and may be required to pay an administration fee, as
13 described in paragraph (b) of subsection (2) of this section;

14 (III) Upon the offender's satisfactory completion of the program,
15 the court shall dismiss with prejudice the prostitution-related charge or
16 charges;

17 (IV) The offender shall waive his or her right to a speedy trial; and

18 (V) If the offender fails to complete the program or fails to satisfy
19 any other condition of the plea bargain agreement, he or she shall be
20 sentenced for the offenses to which he or she has pleaded guilty and shall
21 be required to pay a fine of not less than two thousand five hundred
22 dollars and not more than five thousand dollars, or the maximum amount
23 available to a municipal or county court, in the discretion of the court, in
24 addition to any other sentence imposed by the court.

25 (c) If the prosecuting attorney offers enrollment in the program to
26 an offender pursuant to subparagraph (II) of paragraph (a) of subsection
27 (2) of this section and the offender fails to complete the program, the

1 offender shall be required to pay a fine of not less than two thousand five
2 hundred dollars and not more than five thousand dollars, or the maximum
3 amount available to the municipal or county court, in the discretion of the
4 court, in addition to any other sentence imposed by the court.

5 (4) If a municipal or county court or multiple municipal or county
6 courts create and administer a program pursuant to subsection (1) of this
7 section, the court or courts shall prepare and submit a report to the
8 judiciary committees of the house of representatives and senate, or any
9 successor committees, concerning the effectiveness of the program. The
10 court or courts shall submit the report not less than two years nor more
11 than three years after the creation of the program. The report shall include
12 information concerning:

13 (a) The cost of the program and the extent to which the cost is
14 mitigated by the imposition of the fees described in paragraph (b) of
15 subsection (2) of this section; and

16 (b) The effectiveness of the program in reducing recidivism
17 among persons who commit prostitution-related offenses.

18 SECTION 2. In Colorado Revised Statutes, 18-7-202, amend (2)
19 as follows:

20 **18-7-202. Soliciting for prostitution.** (2) Soliciting for
21 prostitution is a class 3 misdemeanor. A person who is convicted of
22 soliciting for prostitution may be required to pay a fine of not more than
23 five thousand dollars in addition to any penalty imposed by the court
24 pursuant to section 18-1.3-501, which additional fine shall be transferred
25 to the state treasurer, who shall transfer the same to the prostitution
26 enforcement cash fund created in section 24-33.5-513, C.R.S.

27 SECTION 3. In Colorado Revised Statutes, 18-7-203, amend (2)

1 as follows:

2 **18-7-203. Pandering.** (2) (a) Pandering under paragraph (a) of
3 subsection (1) of this section is a class 5 felony. A person who is
4 convicted of pandering under paragraph (a) of subsection (1) of this
5 section shall be required to pay a fine of not less than five thousand
6 dollars and not more than ten thousand dollars in addition to any penalty
7 imposed by the court pursuant to section 18-1.3-401, which additional
8 fine shall be transferred to the state treasurer, who shall transfer the same
9 to the prostitution enforcement cash fund created in section 24-33.5-513,
10 C.R.S.

11 (b) Pandering under paragraph (b) of subsection (1) of this section
12 is a class 3 misdemeanor. A person who is convicted of pandering under
13 paragraph (b) of subsection (1) of this section shall be required to pay a
14 fine of not less than five thousand dollars and not more than ten thousand
15 dollars in addition to any penalty imposed by the court pursuant to section
16 18-1.3-501, which additional fine shall be transferred to the state
17 treasurer, who shall transfer the same to the prostitution enforcement cash
18 fund created in section 24-33.5-513, C.R.S.

19 **SECTION 4.** In Colorado Revised Statutes, 18-7-205, amend (2)
20 as follows:

21 **18-7-205. Patronizing a prostitute.** (2) Patronizing a prostitute
22 is a class 1 misdemeanor. A person who is convicted of patronizing a
23 prostitute may be required to pay a fine of not more than five thousand
24 dollars in addition to any penalty imposed by the court pursuant to section
25 18-1.3-401 or 18-1.3-503, which additional fine shall be transferred to the
26 state treasurer, who shall transfer the same to the prostitution enforcement
27 cash fund created in section 24-33.5-513, C.R.S.

1 **SECTION 5.** In Colorado Revised Statutes, 18-1.3-701, amend
2 (1) (a) as follows:

3 **18-1.3-701. Judgment for costs and fines.** (1) (a) Where any
4 person, association, or corporation is convicted of an offense, or any
5 juvenile is adjudicated a juvenile delinquent for the commission of an act
6 that would have been a criminal offense if committed by an adult, the
7 court shall give judgment in favor of the state of Colorado, the
8 appropriate prosecuting attorney, or the appropriate law enforcement
9 agency and against the offender or juvenile for the amount of the costs of
10 prosecution, the amount of the cost of care, and any fine imposed. No fine
11 shall be imposed for conviction of a felony except as provided in section
12 18-1.3-401. or 18-7-203 (2)(a). Such judgments shall be enforceable in
13 the same manner as are civil judgments, and, in addition, the provisions
14 of section 16-11-101.6, C.R.S., and section 18-1.3-702 apply. A county
15 clerk and recorder may not charge a fee for the recording of a transcript
16 or satisfaction of a judgment entered pursuant to this section.

17 **SECTION 6.** In Colorado Revised Statutes, repeal 24-33.5-513
18 as follows:

19 **24-33.5-513. Prostitution enforcement resources grant**
20 ~~program - application process - cash fund - reports - rules - repeal.~~
21 ~~(1) There is hereby created in the division the prostitution enforcement~~
22 ~~resources grant program. Under the program, on and after July 1, 2013,~~
23 ~~a municipal law enforcement agency may apply for a grant to fund efforts~~
24 ~~to combat prostitution-related offenses. The division shall administer the~~
25 ~~program pursuant to the provisions of this section.~~

26 ~~(2) The division shall solicit and review applications from~~
27 ~~municipal law enforcement agencies for grants pursuant to this section.~~

1 The department may award grants to municipal law enforcement agencies
2 for periods of one to three years.

3 (3) Each application, at a minimum, shall describe how the
4 applicant municipal law enforcement agency will use any awarded grant
5 moneys to combat prostitution-related offenses. Each grant recipient shall
6 use its grant moneys to supplement and not supplant any moneys currently
7 being used by the grant recipient to combat prostitution-related offenses.

8 (4) The division shall select those municipal law enforcement
9 agencies that will receive grants pursuant to this section and the duration
10 and amount of each grant. In selecting the grant recipients, the division,
11 at a minimum, shall take into account the criteria established by rules
12 promulgated by the executive director pursuant to subsection (7) of this
13 section.

14 (5)(a) There is hereby created in the state treasury the prostitution
15 enforcement cash fund, referred to in this section as the "fund", to be
16 administered by the division pursuant to this section. The fund shall
17 consist of moneys transferred to the fund pursuant to paragraph (c) of this
18 subsection (5) and pursuant to sections 18-7-202 (2), 18-7-203 (2)(a) and
19 (2)(b), and 18-7-205 (2), C.R.S. <Do the bill sponsors want to transfer
20 the balance in this fund to the general fund?>>

21 (b) Notwithstanding any other provision of this section, the
22 division shall not be required to implement the provisions of this section
23 until sufficient moneys have been transferred or appropriated to the fund.

24 (c)(I) The division may seek, accept, and expend public or private
25 gifts, grants, and donations from public and private sources to implement
26 this section; except that the division shall not accept a gift, grant, or
27 donation that is subject to conditions that are inconsistent with the

1 provisions of this article or any other law of the state. The division shall
2 transfer all private and public moneys received through gifts, grants, and
3 donations to the state treasurer, who shall credit the same to the cash
4 fund.

5 (II) Nothing in this paragraph (c) shall be interpreted to require the
6 division to solicit moneys for the purposes of this section.

7 (d) The moneys in the fund shall be subject to annual
8 appropriation by the general assembly to the division for the direct and
9 indirect costs associated with implementing this section. Any moneys in
10 the fund not expended for the purpose of this section may be invested by
11 the state treasurer as provided by law. All interest and income derived
12 from the investment and deposit of moneys in the fund shall be credited
13 to the fund. Any unexpended and unencumbered moneys remaining in the
14 fund at the end of a fiscal year shall remain in the fund and shall not be
15 credited or transferred to the general fund or another fund; except that all
16 unexpended and unencumbered moneys remaining in the fund as of July
17 1, 2018, shall be transferred to the general fund.

18 (e) The division may expend up to three percent of the moneys
19 annually appropriated from the fund to offset the costs incurred in
20 implementing this section.

21 (6) On or before a date specified by the executive director
22 pursuant to subsection (7) of this section, the division shall submit
23 annually to the judiciary committees of the senate and house of
24 representatives, or any successor committees, the following information
25 regarding the administration of the program in the preceding year.

26 (a) The number of grant recipients that received grants under the
27 program;

1 (b) The amount of each grant awarded to each grant recipient;
2 (c) The average amount of each grant awarded under the program;
3 (d) The number of arrests for prostitution-related offenses made
4 by the recipient municipal law enforcement agency in the twelve-month
5 period preceding the receipt of grant moneys; and

6 (e) The number of arrests for prostitution-related offenses made
7 by the recipient municipal law enforcement agency since receiving grant
8 moneys.

9 (7) On or before April 1, 2012, the executive director shall
10 promulgate rules for the administration of this section, including but not
11 limited to:

12 (a) Application procedures by which a municipal law enforcement
13 agency may apply for a grant pursuant to this section;

14 (b) Criteria for the division to apply in selecting the municipal law
15 enforcement agencies that shall receive grants and determining the
16 amount of grant moneys to be awarded to each grant recipient, which
17 criteria, at a minimum, shall require each grant recipient to use awarded
18 grant moneys for the purpose of combating prostitution-related offenses;
19 and

20 (c) The designation of a date by which the department shall
21 annually submit to the judiciary committees of the senate and house of
22 representatives, or any successor committees, the information described
23 in subsection (6) of this section.

24 (8) This section is repealed, effective July 1, 2018.

25 SECTION 7. In Colorado Revised Statutes, repeal article 22 of
26 title 10 as follows:

27 **10-22-101. Short title.** This article is known and may be cited as

1 the "Colorado Health Benefit Exchange Act".

2 **10-22-102. Legislative declaration - intent.** The general
3 assembly determines and declares that with the March 23, 2010,
4 enactment of the federal "Patient Protection and Affordable Care Act",
5 Pub.L. 111-148, and the March 30, 2010, enactment of the "Health Care
6 and Education Reconciliation Act of 2010", Pub.L. 111-152, which allow
7 each state to establish a health benefit exchange through state law or opt
8 to participate in a national health benefit exchange operated by the federal
9 department of health and human services, and although there are
10 numerous federal lawsuits challenging the constitutionality of the federal
11 act in multiple federal courts, the best option for the state of Colorado is
12 to establish a health benefit exchange at the state level. The general
13 assembly further finds that the federal act requires each state to establish
14 a health benefit exchange to perform certain duties and to assume certain
15 responsibilities set forth in the federal act or make sufficient progress in
16 the creation of a health benefit exchange by January 1, 2013, or default
17 to a federally run national health benefit exchange. Therefore, the general
18 assembly intends to create a health benefit exchange to fit the unique
19 needs of Colorado, seek Colorado specific solutions, and explore the
20 maximum number of options available to the state of Colorado. The
21 Colorado health benefit exchange, including an American health benefit
22 exchange, is intended to facilitate the access to and enrollment in health
23 plans in the individual market in this state and include a small business
24 health options program to assist small employers in this state in
25 facilitating the enrollment of their employees in health plans offered in
26 the small employer market. The intent of the Colorado health benefit
27 exchange is to increase access, affordability, and choice for individuals

1 and small employers purchasing health insurance in Colorado.

2 **10-22-103. Definitions.** As used in this article, unless the context
3 otherwise requires:

4 (1) "Board" means the board of directors of the exchange,
5 appointed in accordance with section 10-22-105.

6 (2) "Committee" means the legislative health benefit exchange
7 implementation review committee created in section 10-22-107.

8 (3) "Exchange" means the Colorado health benefit exchange
9 created in this article.

10 (4) "Federal act" means the "Patient Protection and Affordable
11 Care Act", Pub.L. 111-148, as amended by the "Health Care and
12 Education Reconciliation Act of 2010", Pub.L. 111-152.

13 (5) "Secretary" means the secretary of the United States
14 department of health and human services.

15 **10-22-104. Health benefit exchange - creation.** There is hereby
16 created a nonprofit unincorporated public entity known as the health
17 benefit exchange. The board of directors shall govern the operation of the
18 exchange. The board shall determine and establish the development,
19 governance, and operation of the exchange. The exchange is an
20 instrumentality of the state, except that the debts and liabilities of the
21 exchange do not constitute the debts and liabilities of the state, and
22 neither the exchange nor the board is an agency of the state. The board
23 does not have the authority to promulgate rules pursuant to the "State
24 Administrative Procedure Act", article 4 of title 24, C.R.S. The exchange
25 shall not duplicate or replace the duties of the commissioner established
26 in section 10-1-108, including rate approval, except as directed by the
27 federal act. The exchange shall foster a competitive marketplace for

1 insurance and shall not solicit bids or engage in the active purchasing of
2 insurance. All carriers authorized to conduct business in this state may be
3 eligible to participate in the exchange.

4 **10-22-105. Exchange board of directors.** (1) (a) There is hereby
5 created the board of directors of the exchange. The board consists of
6 twelve members, of whom nine are voting members and three are
7 nonvoting, ex officio members. On or before July 1, 2011, the governor
8 shall appoint five voting members to the board, and the president of the
9 senate, the minority leader of the senate, the speaker of the house of
10 representatives, and the minority leader of the house of representatives
11 shall each appoint one voting member to the board. The governor shall
12 not appoint more than three members from the same political party. The
13 board shall elect one of its members as chair of the board. Members of the
14 board may be removed by their respective appointing authorities for
15 cause. The person making the original appointment or reappointment, or
16 whoever is entitled to make the appointment on the date of a vacancy,
17 shall fill the vacancy by appointment for the remainder of an unexpired
18 term. Members may serve a maximum of two consecutive terms. If a
19 member is appointed to fill a vacancy and serves for more than half of the
20 unexpired term, the member shall be eligible for appointment to only one
21 more consecutive term.

22 (b) The persons making the appointments shall coordinate
23 appointments to ensure that there is broad representation within the skill
24 sets specified in this paragraph (b) and shall consider the geographic,
25 economic, ethnic, and other characteristics of the state when making the
26 appointments. A majority of the voting members must be business
27 representatives or individuals who are not directly affiliated with the

1 insurance industry, and none shall be state employees. Of the members
2 first appointed, in order to ensure staggered terms, four of the governor's
3 appointees shall serve for a term of two years and the remaining
4 governor's appointee and other initial appointees shall serve for a term of
5 four years. Thereafter, the terms of the members shall be for four years.
6 Each person appointed to the board should have demonstrated expertise
7 in at least two, and in any case shall have demonstrated expertise in no
8 less than one, of the following areas:

- 9 (I) Individual health insurance coverage;
- 10 (II) Small employer health insurance;
- 11 (III) Health benefits administration;
- 12 (IV) Health care finance;
- 13 (V) Administration of a public or private health care delivery
14 system;
- 15 (VI) The provision of health care services;
- 16 (VII) The purchase of health insurance coverage;
- 17 (VIII) Health care consumer navigation or assistance;
- 18 (IX) Health care economics or health care actuarial sciences;
- 19 (X) Information technology; or
- 20 (XI) Starting a small business with fifty or fewer employees.

21 (c) The executive director of the department of health care policy
22 and financing, or his or her designee; the commissioner of insurance, or
23 his or her designee; and the director of the office of economic
24 development and international trade, or his or her designee, shall serve as
25 nonvoting, ex officio members of the board.

26 (2) Each member of the board is responsible for meeting the
27 requirements of this article and all applicable state and federal laws, rules,

1 and regulations; serving in the public interest of the individuals and small
2 businesses seeking health care coverage through the exchange; and
3 ensuring the operational well-being and fiscal solvency of the exchange.

4 (3) (a) Board members shall not receive compensation for
5 performance of services for the board but may receive a per diem and
6 reimbursement for travel and other necessary expenses while engaged in
7 the performance of official duties of the board. Per diem and
8 reimbursement expenses are paid through grant moneys received by the
9 board.

10 (b) A member of the board shall not perform an official act that
11 may have a direct economic benefit on a business or other undertaking in
12 which the member has a direct or substantial financial interest.

13 (c) A board member or an officer or employee of the exchange is
14 not liable for an act or omission when acting in his or her official
15 capacity, in good faith, without intent to defraud, and in connection with
16 the administration, management, or conduct of this article.

17 (4) (a) Board members are subject to articles 6, 18, and 72 of title
18 24, C.R.S.

19 (b) All moneys received by the board for the exchange are subject
20 to audit by the legislative audit committee. The board shall report all
21 moneys received for the exchange to the legislative audit committee.

22 (5) Any information provided to a board member pursuant to this
23 article that is exempt from disclosure under either section 24-72-204,
24 C.R.S., or part 4 of article 6 of title 24, C.R.S., shall be and remain
25 confidential and may be used only by the board.

26 **10-22-106. Powers and duties of the board.** (1) The board is the
27 governing body of the exchange and has all the powers and duties

1 necessary to implement this article. The board shall:

2 (a) Appoint an executive director to administer the exchange,
3 subject to approval by the committee;

4 (b) Create an initial operational and financial plan, subject to
5 approval by the committee;

6 (c) Apply for planning and establishment grants made available
7 to the exchange pursuant to the federal act and apply for, receive, and
8 expend other gifts, grants, and donations. Each grant application is
9 subject to the review and unanimous approval of the board chair and the
10 chair and vice-chair of the committee prior to the submission of the
11 application. If there is not unanimous approval, each grant application is
12 subject to review and the majority approval of the committee.

13 (d) Create technical and advisory groups as needed to report to the
14 board. The advisory groups shall meet regularly throughout the year to
15 discuss issues related to the exchange and make recommendations to the
16 board.

17 (e) Provide a written report, on or before January 15 of each year,
18 to the governor and the general assembly concerning the planning and
19 establishment of the exchange and present the report to the senate health
20 and human services committee and the house of representatives health
21 and environment committee, or their successor committees;

22 (f) Review the internet portal operated and maintained by the
23 secretary and the model template for an internet portal made available by
24 the secretary for use by the state exchanges and review other appropriate
25 internet portals. The review must include an examination as to whether
26 the model template may be used to direct individuals and employers to
27 health plans, to assist individuals and employers in determining whether

1 they are eligible to participate in the exchange or eligible for a premium
2 tax credit or cost-sharing reduction, and to present standardized
3 information regarding health plans offered through the exchange to assist
4 consumers in making health insurance choices.

5 (g) Consider the desirability of structuring the exchange as one
6 entity that includes two underlying entities to operate in the individual
7 and the small employer markets, respectively;

8 (h) Consider the appropriate size of the small employer market
9 under the exchange, taking into consideration the definition of "small
10 employer" pursuant to section 10-16-102;

11 (i) Consider the unique needs of rural Coloradans as they pertain
12 to access, affordability, and choice in purchasing health insurance;

13 (j) Consider the affordability and cost in the context of quality
14 care and increased access to purchasing health insurance; and

15 (k) Investigate requirements, develop options, and determine
16 waivers, if appropriate, to ensure that the best interests of Coloradans are
17 protected.

18 (2) The board may enter into information-sharing agreements with
19 federal and state agencies and other state exchanges to carry out its
20 responsibilities under this article so long as the agreements include
21 adequate protections with respect to the confidentiality of the information
22 that is shared and comply with all state and federal laws, rules, and
23 regulations.

24 **10-22-107. Legislative health benefit exchange implementation**
25 **review committee - creation - duties.** (1) For the purposes of guiding
26 implementation of an exchange in Colorado, making recommendations
27 to the general assembly, and ensuring that the interests of Coloradans are

1 protected and furthered, there is hereby created the legislative health
2 benefit exchange implementation review committee. The committee shall
3 meet on or before August 1, 2011, and thereafter at the call of the chair
4 as often as five times during each calendar year. The committee may use
5 the legislative council staff to assist its members in researching any
6 matters.

7 (2) (a) The president of the senate shall appoint three members to
8 the committee. Two appointees shall be members of the senate health and
9 human services committee, the business, labor, and technology
10 committee, or the legislative audit committee, or their successor
11 committees. One appointee shall be a representative of the senate at large.

12 (b) The speaker of the house of representatives shall appoint three
13 members to the committee. Two appointees shall be members of the
14 house health and environment committee, the economic and business
15 development committee, or the legislative audit committee, or their
16 successor committees. One appointee shall be a representative of the
17 house of representatives at large.

18 (c) The minority leader of the senate shall appoint two members
19 to the committee. One appointee shall be a member of the senate health
20 and human services committee, the business, labor, and technology
21 committee, or the legislative audit committee, or their successor
22 committees. One appointee shall be a representative of the senate at large.

23 (d) The minority leader of the house of representatives shall
24 appoint two members to the committee. One appointee shall be a member
25 of the house health and environment committee, the economic and
26 business development committee, or the legislative audit committee, or
27 their successor committees. One appointee shall be a representative of the

1 house of representatives at large.

2 (e) Members of the committee shall serve at the pleasure of the
3 appointing authority.

4 (3) Members of the committee shall serve without compensation;
5 except that each member shall receive the sums specified in section
6 2-2-307 (3) (a) and (3) (b), C.R.S., for attendance at meetings of the
7 committee when the general assembly is in recess for more than three
8 days or is not in session.

9 (4) During odd-numbered years, the president of the senate shall
10 appoint the chair and the speaker of the house of representatives shall
11 appoint the vice-chair of the committee. During even-numbered years, the
12 speaker of the house of representatives shall appoint the chair and the
13 president of the senate shall appoint the vice-chair of the committee.

14 (5) In any year, the committee may report up to five bills or other
15 measures to the legislative council created in section 2-3-301, C.R.S.
16 These bills are exempt from any applicable bill limit imposed on the
17 individual committee members sponsoring such bills if the bills have been
18 approved by the legislative council under joint rules of the senate and
19 house of representatives.

20 (6) The committee shall review grants applied for by the board to
21 implement the exchange.

22 (7) The committee shall review the financial and operational plans
23 of the exchange.

24 **10-22-108. Moneys for implementation of the exchange.**
25 Moneys received by the board for the implementation of this article must
26 be transferred directly to the exchange for the purposes of this article. The
27 board shall deposit any moneys received in a banking institution within

1 or outside the state. Money from the general fund shall not be used for
2 the implementation of this article, except for the sums specified in section
3 10-22-107 (3) and for legislative staff agency services. The banking
4 institution must be insured by the federal deposit insurance corporation
5 and compliant with the "Savings and Loan Association Public Deposit
6 Protection Act", article 47 of title 11, C.R.S.

7 SECTION 8. In Colorado Revised Statutes, ~~repeal~~ part 6 of
8 article 6 of title 26 as follows:

9 **26-6-601. Short title.** This part 6 shall be known and may be cited
10 as the "Department of Defense Quality Child Care Standards Pilot
11 Program".

12 **26-6-602. Legislative declaration.** (1) The general assembly
13 hereby finds and determines that:

14 (a) Providing quality child care is vital to the health and
15 well-being of the children of Colorado;

16 (b) The human capacity to develop and change is greatest from
17 birth to five years of age when the brain is most malleable and able to
18 change in response to education and stimulation;

19 (c) The investment made in early childhood care benefits children,
20 parents, and the community in the long term. Statistics consistently show
21 that investment in early childhood education and programs prevents some
22 children from entering the criminal justice system, which, in turn,
23 diminishes jail or prison costs. Children who were enrolled in
24 prekindergarten programs are also more likely to have better employment
25 and higher wages over their lifetimes.

26 (d) As a result, there is a great demand for expensive remedial
27 programs to address learning and behavior problems in later years when

1 change is far more difficult to achieve; and

2 (e) Implementing strategies so that children become successful
3 early learners helps reduce the need for expensive later remediation
4 programs.

5 (2) The general assembly further finds and declares that:

6 (a) The provision of child care enables parents to work, thus
7 generating extra dollars for local and state economies;

8 (b) Military facilities currently do not have enough spaces to care
9 for all the children who need child care and early learning environments,
10 yet providing early learning programs to children of the military is
11 especially important during times of stress related to deployment of their
12 parents; and

13 (c) Federal dollars shall be available to military families to
14 subsidize off-base child care, provided the child care facility meets high
15 quality standards.

16 (3) The general assembly therefore concludes that it is in the best
17 interest of our state's military families and children to create a pilot
18 program that allows military families to use their federal child care
19 stipends to obtain off-base child care in facilities that meet the high
20 quality standards established by the federal department of defense.

21 **26-6-603. Definitions.** As used in this part 6, unless the context
22 otherwise requires:

23 (1) "Program" means the department of defense quality child care
24 standards pilot program created pursuant to section 26-6-604.

25 (2) "State department" means the department of human services
26 created and existing pursuant to section 24-1-120, C.R.S.

27 **26-6-604. Department of defense quality child care standards**

1 pilot program - creation - program scope - reporting requirements -
2 rules. (1) There is hereby created in the state department the department
3 of defense quality child care standards pilot program. The objective of the
4 program is to allow military personnel to use their federal child care
5 benefits and any other stipends to access off-base child care facilities that
6 meet the quality standards established by the federal department of
7 defense. The state department shall administer the program in accordance
8 with the provisions of this part 6.

9 (2) Pilot sites may apply to the state department to be considered
10 for inclusion in the program. The state department, with input from the
11 local public health agency, local county resource and referral agencies,
12 and early childhood councils of impacted counties, shall designate pilot
13 site facilities to serve military families. Designation of pilot sites shall be
14 dependent upon funding from the federal department of defense as child
15 care stipends to military families and funding of the pilot site licensing
16 unit through fees collected pursuant to subsection (7) of this section. The
17 designated child care facilities shall provide child care to military
18 families, provided the facility meets the quality child care standards
19 adopted by rule of the state department.

20 (3) The pilot site facilities shall have, at a minimum, the following
21 program components:

- 22 (a) Full compliance with rules promulgated pursuant to this part
23 6, including department of defense child care standards;
- 24 (b) Special needs services;
- 25 (c) Staff development and training;
- 26 (d) Family support services; and
- 27 (e) A state department-approved quality rating and improvement

1 system.

2 (4) The state department shall identify, develop, and implement
3 an early childhood training plan based upon the needs of each pilot site
4 facility. The training shall include the principal elements of the rules
5 promulgated pursuant to this part 6, the department of defense quality
6 child care standards, and the elements of the quality rating and
7 improvement system.

8 (5) On or before December 30, 2013, the state department shall
9 develop a quality rating and improvement system that is inclusive,
10 accessible, available to all child care providers, embedded in licensing,
11 and reflective of evidence-based practices for successful outcomes for all
12 children and families, to be used in the program to evaluate the
13 implementation of the department of defense standards.

14 (6) On or before June 30, 2012, the state department and the local
15 public health agency shall promulgate rules for the implementation of this
16 part 6. The rules shall include, at a minimum:

17 (a) Pilot site compliance with department of defense quality child
18 care standards;

19 (b) A requirement for compliance with existing state and federal
20 regulations; and

21 (c) A procedure to establish a fee for and charge pilot site
22 facilities for any additional inspections and services required to
23 implement the enhanced department of defense quality child care
24 standards.

25 (7) The state department and the local public health agency are
26 hereby granted the authority to charge pilot site facilities for any
27 additional inspections and services required by the department of defense

1 quality child care standards.

2 (8) No later than March 1, 2015, the state department shall report
3 on the outcomes of the program, including an evaluation of the higher
4 standards and the quality rating and improvement system for licensure,
5 monitoring, and provider support to the state, veterans, and military
6 affairs committees of the senate and house of representatives and the
7 health and human services committees of the senate and house of
8 representatives, or any successor committees. The state department shall
9 determine if the model for the program represents the best practices to be
10 implemented statewide.

11 **26-6-605. Department of defense quality child care standards**
12 **pilot program - funding.** It is the intent of the general assembly that the
13 pilot program shall be funded by gifts, grants, and donations; federal
14 moneys; and any fees collected pursuant to section 26-6-604 (7). Payment
15 for child care services for a child of a member of the military shall be
16 made by the family and shall include any child care benefit or stipend
17 received by the child care facility from the federal department of defense.
18 The state department and the local public health agency may access other
19 already appropriated state funds to enhance the quality of care and
20 education of children in the implementation of the quality rating and
21 improvement system. Moneys from fees collected pursuant to section
22 26-6-604 (7) may be used to administer a pilot site licensing unit. The
23 state department and the local public health agency shall not be obligated
24 to implement the provisions of section 26-6-604 until such time as
25 sufficient funds are available.

26 **26-6-606. Repeal of part.** This part 6 is repealed, effective June
27 30, 2015.

1 **SECTION 9.** In Colorado Revised Statutes, repeal part 21 of
2 article 30 of title 24 as follows:

3 **24-30-2101. Short title.** This part 21 shall be known and may be
4 cited as the "Address Confidentiality Program Act".

5 **24-30-2102. Legislative declaration.** (1) The general assembly
6 hereby finds and declares that a person attempting to escape from actual
7 or threatened domestic violence, a sexual offense, or stalking frequently
8 moves to a new address in order to prevent an assailant or potential
9 assailant from finding him or her. This new address, however, is only
10 useful if an assailant or potential assailant does not discover it. Therefore,
11 in order to help victims of domestic violence, a sexual offense, or
12 stalking, it is the intent of the general assembly to establish an address
13 confidentiality program, whereby the confidentiality of a victim's address
14 may be maintained through, among other things, the use of a substitute
15 address for purposes of public records and confidential mail forwarding.

16 (2) The general assembly further finds and declares that the
17 desired result of the "Address Confidentiality Program Act" for the
18 purpose of post-enactment review is to establish a substitute address for
19 a program participant that is used by state and local government agencies
20 whenever possible; to permit agencies to have access to the participant's
21 actual address when appropriate; to establish a mail forwarding system
22 for program participants; and to ensure that there is adequate funding to
23 pay the program costs for all persons who apply to the program.

24 **24-30-2103. Definitions.** As used in this part 21, unless the
25 context otherwise requires:

26 (1) "Actual address" means a residential, work, or school address
27 as specified on the individual's application to be a program participant

1 under this part 21, and includes the county and voting precinct number.

2 (2) "Address confidentiality program" or "program" means the
3 program created under this part 21 in the department to protect the
4 confidentiality of the actual address of a relocated victim of domestic
5 violence, a sexual offense, or stalking.

6 (3) "Applicant" means an individual identified as such in an
7 application received by the executive director or his or her designee
8 pursuant to section 24-30-2105.

9 (4) "Application assistant" means a person designated by the
10 executive director or his or her designee to assist an applicant in the
11 preparation of an application to participate in the address confidentiality
12 program.

13 (5) "Department" means the department of personnel created in
14 section 24-1-128.

15 (6) "Domestic violence" means an act described in section
16 18-6-800.3 (1), C.R.S.

17 (7) "Executive director" means the executive director of the
18 department.

19 (8) "Person" means any individual, corporation, limited liability
20 company, partnership, trust, estate, or other association or any state, the
21 United States, or any subdivision thereof.

22 (9) "Program participant" or "participant" means an individual
23 accepted into the address confidentiality program in accordance with this
24 part 21.

25 (10) "Public record" means all documents, papers, letters, maps,
26 books, photographs, films, sound recordings, magnetic or other tapes,
27 digital data, artifacts, or other documentary material, regardless of

1 physical form or characteristics, made or received pursuant to law or
2 ordinance in connection with the transaction of public business by a state
3 or local government agency.

4 (11) "Sexual offense" means an act described in part 4 of article
5 or article 6 or 7 of title 18, C.R.S.

6 (12) "Stalking" means an act of harassment as described in section
7 18-9-111, C.R.S., or stalking as described in section 18-3-602, C.R.S.

8 (13) "State or local government agency" or "agency" means every
9 elected or appointed state or local public office, public officer, or official;
10 board, commission, bureau, committee, council, department, authority,
11 agency, institution of higher education, or other unit of the executive,
12 legislative, or judicial branch of the state; or any city, county, city and
13 county, town, special district, school district, local improvement district,
14 or any other kind of municipal, quasi-municipal, or public corporation.

15 (14) "Substitute address" means an address designated by the
16 executive director or his or her designee under the address confidentiality
17 program that is used instead of an actual address as set forth in this part
18 21.

19 24-30-2104. Address confidentiality program - creation -
20 substitute address - uses - service by mail - application assistance
21 centers. (1) There is hereby created the address confidentiality program
22 in the department to protect the confidentiality of the actual address of a
23 relocated victim of domestic violence, a sexual offense, or stalking and
24 to prevent the victim's assailants or potential assailants from finding the
25 victim through public records. Under the program, the executive director
26 or his or her designee shall:

27 (a) Designate a substitute address for a program participant that

1 shall be used by state and local government agencies as set forth in this
2 part 21; and

3 (b) Receive mail sent to a program participant at a substitute
4 address and forward the mail to the participant as set forth in subsection
5 (2) of this section.

6 (2) The executive director or his or her designee shall receive
7 first-class, certified, or registered mail on behalf of a program participant
8 and forward the mail to the participant for no charge. The executive
9 director or his or her designee may arrange to receive and forward other
10 classes or kinds of mail at the participant's expense. Neither the executive
11 director nor his or her designee shall be required to track or otherwise
12 maintain records of any mail received on behalf of a participant unless the
13 mail is certified or registered mail.

14 (3) (a) Notwithstanding any provision of law to the contrary, a
15 program participant may be served by registered mail or by certified mail,
16 return receipt requested, addressed to the participant at his or her
17 substitute address with any process, notice, or demand required or
18 permitted by law to be served on the program participant. Service is
19 perfected under this subsection (3) at the earliest of:

20 (I) The date the program participant receives the process, notice,
21 or demand; or

22 (II) Five days after the date shown on the return receipt if signed
23 on behalf of the program participant.

24 (b) This subsection (3) does not prescribe the only means, or
25 necessarily the required means, of serving a program participant in the
26 state.

27 (c) Whenever the laws of the state provide a program participant

1 a legal right to act within a prescribed period of ten days or less after the
2 service of a notice or other paper upon the participant and the notice or
3 paper is served upon the participant by mail pursuant to this subsection
4 (3) or by first-class mail as otherwise authorized by law, five days shall
5 be added to the prescribed period.

6 (4) The executive director or his or her designee may designate as
7 an application assistant any person who:

8 (a) Provides counseling, referral, or other services to victims of
9 domestic violence, a sexual offense, or stalking, and

10 (b) Completes any training and registration process required by
11 the executive director or his or her designee.

12 (5) Any assistance and counseling rendered by the executive
13 director or his or her designee or an application assistant to an applicant
14 related to this part 21 shall in no way be construed as legal advice.

15 24-30-2105. Filing and certification of applications -
16 authorization card. (1) On and after July 1, 2008, upon the
17 recommendation of an application assistant, an individual may apply to
18 the executive director or his or her designee to participate in the address
19 confidentiality program. The following individuals may apply to the
20 executive director or his or her designee to have an address designated by
21 the executive director or his or her designee to serve as the substitute
22 address of the individual and any individuals designated in paragraph (j)
23 of subsection (3) of this section:

24 (a) An adult individual;

25 (b) A parent or guardian acting on behalf of a minor when the
26 minor resides with the individual; or

27 (c) A guardian acting on behalf of an incapacitated individual.

1 (2) An application assistant shall assist the individual in the
2 preparation of the application. The application shall be dated, signed, and
3 verified by the applicant and shall be signed and dated by the application
4 assistant who assisted in the preparation of the application. The signature
5 of the application assistant shall serve as the recommendation by such
6 person that the applicant have an address designated by the executive
7 director or his or her designee to serve as the substitute address of the
8 applicant. A minor or incapacitated individual on whose behalf a parent
9 or guardian completes an application pursuant to the authority set forth in
10 paragraph (b) or (c) of subsection (1) of this section shall be considered
11 the applicant, but any statements that are required to be made by the
12 applicant shall be made by the parent or guardian acting on behalf of the
13 minor or incapacitated individual.

14 (3) The application shall be on a form prescribed by the executive
15 director or his or her designee and shall contain all of the following:

16 (a) The applicant's name;

17 (b) A statement by the applicant that the applicant is a victim of
18 domestic violence, a sexual offense, or stalking and that the applicant
19 fears for his or her safety;

20 (c) Evidence that the applicant is a victim of domestic violence,
21 a sexual offense, or stalking. This evidence may include any of the
22 following:

23 (I) Law enforcement, court, or other state or local government
24 agency or federal agency records or files;

25 (II) Documentation from a domestic violence program or facility,
26 including but not limited to a battered women's shelter or safe house, if
27 the applicant is alleged to be a victim of domestic violence;

1 (III) Documentation from a sexual assault program if the applicant
2 is alleged to be a victim of a sexual offense; or

3 (IV) Documentation from a religious, medical, or other
4 professional from whom the applicant has sought assistance in dealing
5 with the alleged domestic violence, sexual offense, or stalking.

6 (d) A statement by the applicant that disclosure of the applicant's
7 actual address would endanger the applicant's safety;

8 (e) A statement by the applicant that the applicant has
9 confidentially relocated in the past ninety days or will confidentially
10 relocate in the state;

11 (f) A designation of the executive director or his or her designee
12 as an agent for the applicant for purposes of receiving certain mail;

13 (g) The mailing address and telephone number where the
14 applicant can be contacted by the executive director or his or her
15 designee;

16 (h) The actual address that the applicant requests not to be
17 disclosed by the executive director or his or her designee that directly
18 relates to the increased risk of domestic violence, a sexual offense, or
19 stalking;

20 (i) A statement as to whether there is any existing court order or
21 court action involving the applicant or an individual identified in
22 paragraph (j) of this subsection (3) related to dissolution of marriage
23 proceedings, child support, or the allocation of parental responsibilities
24 or parenting time and the court that issued the order or has jurisdiction
25 over the action;

26 (j) The name of any person who resides with the applicant who
27 also needs to be a program participant in order to ensure the safety of the

1 applicant and, if the person named in the application is eighteen years of
2 age or older, the consent of such person to be a program participant;

3 (k) A statement by the applicant, under penalty of perjury, that to
4 the best of the applicant's knowledge, the information contained in the
5 application is true.

6 (4) Upon determining that an application has been properly
7 completed, the executive director or his or her designee shall certify the
8 applicant and any individual who is identified in paragraph (j) of
9 subsection (3) of this section as a program participant. Upon certification,
10 the executive director or his or her designee shall issue to the participant
11 an address confidentiality program authorization card, which shall include
12 the participant's substitute address. The card shall remain valid for so long
13 as the participant remains certified under the program.

14 (5) Applicants and individuals identified in paragraph (j) of
15 subsection (3) of this section shall be certified for four years following
16 the date of filing unless the certification is withdrawn or canceled prior
17 to the end of the four-year period. A program participant may withdraw
18 the certification by filing a request for withdrawal acknowledged before
19 a notary public. A certification may be renewed by filing a renewal
20 application with the executive director or his or her designee at least thirty
21 days prior to expiration of the current certification. The renewal
22 application shall be dated, signed, and verified by the applicant. The
23 renewal application shall contain:

24 (a) Any statement or information that is required by subsection (3)
25 of this section that has changed from the original application or a prior
26 renewal application; and

27 (b) A statement by the applicant, under penalty of perjury, that to

1 the best of the applicant's knowledge, the information contained in the
2 renewal application and a prior application is true.

3 **24-30-2106. Change of name, address, or telephone number.**

4 (1) A program participant shall notify the executive director or his or her
5 designee within thirty days after the participant has obtained a legal name
6 change by providing the executive director or his or her designee a
7 certified copy of any judgment or order evidencing the change or any
8 other documentation the executive director or his or her designee deems
9 to be sufficient evidence of the name change.

10 (2) A program participant shall notify the executive director or his
11 or her designee of a change in address or telephone number from the
12 address or telephone number listed for the participant on the application
13 pursuant to the requirements set forth in section 24-30-2105 (3) (g) and
14 (3) (h) no later than seven days after the change occurs.

15 **24-30-2107. Certification cancellation - records.** (1) The
16 certification of a program participant shall be cancelled under any of the
17 following circumstances:

18 (a) The program participant files a request for withdrawal of the
19 certification pursuant to section 24-30-2105 (5).

20 (b) The program participant fails to notify the executive director
21 or his or her designee of a change in the participant's name, address, or
22 telephone number listed on the application pursuant to section
23 24-30-2106.

24 (c) The program participant or parent or guardian who completes
25 an application on behalf of an applicant knowingly submitted false
26 information in the program application.

27 (d) Mail forwarded to the program participant by the executive

1 director or his or her designee is returned as undeliverable.

2 (2) If the executive director or his or her designee determines that
3 there is one or more grounds for cancelling certification of a program
4 participant pursuant to subsection (1) of this section, the executive
5 director or his or her designee shall send notice of cancellation to the
6 program participant. Notice of cancellation shall set out the reasons for
7 cancellation. The participant shall have thirty days to appeal the
8 cancellation decision under procedures developed by the executive
9 director or his or her designee.

10 (3) An individual who ceases to be a program participant is
11 responsible for notifying persons who use the substitute address that the
12 designated substitute address is no longer valid.

13 **24-30-2108. Address use by state or local government**
14 agencies. (1) The program participant, and not the executive director or
15 his or her designee, is responsible for requesting that a state or local
16 government agency use the participant's substitute address as the
17 participant's residential, work, or school address for all purposes for
18 which the agency requires or requests such residential, work, or school
19 address.

20 (2) Except as otherwise provided in this section or unless the
21 executive director or his or her designee grants a state or local
22 government agency's request for a disclosure pursuant to section
23 24-30-2110, when a program participant submits a current and valid
24 address confidentiality program authorization card to the agency, the
25 agency shall accept the substitute address designation by the executive
26 director or his or her designee on the card as the participant's address to
27 be used as the participant's residential, work, or school address when

1 creating a new public record. The substitute address given to the agency
2 shall be the last known address for the participant used by the agency
3 until such time that the agency receives notification pursuant to section
4 24-30-2107 (3). The agency may make a photocopy of the card for the
5 records of the agency and thereafter shall immediately return the card to
6 the program participant.

7 (3) (a) A designated election official as defined in section 1-1-104
8 (8), C.R.S., shall use the actual address of a program participant for
9 precinct designation and all official election-related purposes and shall
10 keep the participant's actual address confidential from the public. The
11 election official shall use the substitute address for all correspondence
12 and mailings placed in the United States mail. The substitute address shall
13 not be used as an address for voter registration.

14 (b) A state or local government agency's access to a program
15 participant's voter registration shall be governed by the disclosure process
16 set forth in section 24-30-2110.

17 (c) The provisions of this subsection (3) shall apply only to a
18 program participant who submits a current and valid address
19 confidentiality program authorization card when registering to vote.

20 (d) The provisions of this subsection (3) shall not apply to a
21 program participant who registers to vote pursuant to section 1-2-213,
22 C.R.S.

23 (4) A program participant who completes an application to
24 register to vote at a driver's license examination facility while receiving
25 a driver's license or an identification card pursuant to section 1-2-213,
26 C.R.S., shall be required to have the participant's actual address on the
27 driver's license or identification card.

1 (5) The substitute address shall not be used for purposes of listing,
2 appraising, or assessing property taxes and collecting property taxes under
3 the provisions of title 39, C.R.S.

4 (6) Whenever a program participant is required by law to swear
5 or affirm to the participant's address, the participant may use his or her
6 substitute address.

7 (7) The substitute address shall not be used for purposes of
8 assessing any taxes or fees on a motor vehicle or for titling or registering
9 a motor vehicle. Notwithstanding any provision of section 24-72-204 (7)
10 to the contrary, any record that includes a program participant's actual
11 address pursuant to this subsection (7) shall be confidential and not
12 available for inspection by anyone other than the program participant.

13 (8) The substitute address shall not be used on any document
14 related to real property recorded with a county clerk and recorder.

15 (9) A school district shall accept the substitute address as the
16 address of record and shall verify student enrollment eligibility through
17 the executive director or his or her designee. The executive director or his
18 or her designee shall facilitate the transfer of student records from one
19 school to another.

20 (10) Except as otherwise provided in this section, a program
21 participant's actual address and telephone number maintained by a state
22 or local government agency or disclosed by the executive director or his
23 or her designee is not a public record that is subject to inspection pursuant
24 to the provisions of part 2 of article 72 of title 24. This subsection (10)
25 shall not apply to the following:

26 (a) To any public record created more than ninety days prior to the
27 date that the program participant applied to be certified in the program;

1 or

2 (b) If a program participant voluntarily requests that a state or
3 local government agency use the participant's actual address or
4 voluntarily gives the actual address to the state or local government
5 agency.

6 (11) For any public record created within ninety days prior to the
7 date that a program participant applied to be certified in the program, a
8 state or local government agency shall redact the actual address from a
9 public record or change the actual address to the substitute address in the
10 public record, if a program participant who presents a current and valid
11 program authorization card requests the agency that maintains the public
12 record to use the substitute address instead of the actual address on the
13 public record.

14 **24-30-2109. Disclosure of actual address prohibited.** (1) The
15 executive director or his or her designee is prohibited from disclosing any
16 address or telephone number of a program participant other than the
17 substitute address designated by the executive director or his or her
18 designee, except under any of the following circumstances:

19 (a) The information is required by direction of a court order.
20 However, any person to whom a program participant's address or
21 telephone number has been disclosed shall not disclose the address or
22 telephone number to any other person unless permitted to do so by order
23 of the court.

24 (b) The executive director or his or her designee grants a request
25 by an agency pursuant to section 24-30-2110.

26 (c) The program participant is required to disclose the participant's
27 actual address as part of a registration required by the "Colorado Sex

1 Offender Registration Act", article 22 of title 16, C.R.S.

2 (2) The executive director or his or her designee shall provide
3 immediate notification of disclosure to a program participant when
4 disclosure is made pursuant to paragraph (a) or (b) of subsection (1) of
5 this section.

6 (3) If, at the time of application, an applicant or an individual
7 designated in section 24-30-2105 (3) (j) is subject to a court order related
8 to dissolution of marriage proceedings, child support, or the allocation of
9 parental responsibilities or parenting time, the executive director or his or
10 her designee shall notify the court that issued the order of the certification
11 of the program participant in the address confidentiality program and the
12 substitute address designated by the executive director or his or her
13 designee. If, at the time of application, an applicant or an individual
14 designated in section 24-30-2105 (3) (j) is involved in a court action
15 related to dissolution of marriage proceedings, child support, or the
16 allocation of parental responsibilities or parenting time, the executive
17 director or his or her designee shall notify the court having jurisdiction
18 over the action of the certification of the applicant in the address
19 confidentiality program and the substitute address designated by the
20 executive director or his or her designee.

21 (4) No person shall knowingly and intentionally obtain a program
22 participant's actual address or telephone number from the executive
23 director or his or her designee or an agency knowing that the person is not
24 authorized to obtain the address information.

25 (5) No employee of the executive director or his or her designee
26 or of an agency shall knowingly and intentionally disclose a program
27 participant's actual address or telephone number unless the disclosure is

1 permissible by law. This subsection (5) only applies when an employee
2 obtains a participant's actual address or telephone number during the
3 course of the employee's official duties and, at the time of disclosure, the
4 employee has specific knowledge that the actual address or telephone
5 number disclosed belongs to a participant.

6 (6) Any person who knowingly and intentionally obtains or
7 discloses information in violation of this part 21 shall be guilty of a class
8 1 misdemeanor and shall be punished as provided in section 18-1.3-501,
9 C.R.S.

10 24-30-2110. Request for disclosure. (1) A state or local
11 government agency requesting disclosure of a program participant's actual
12 address pursuant to this section shall make such a request in writing on
13 agency letterhead and shall provide the executive director or his or her
14 designee with the following information:

15 (a) The name of the program participant for whom the agency
16 seeks disclosure of the actual address;

17 (b) A statement, with explanation, setting forth the reason or
18 reasons that the agency needs the program participant's actual address and
19 a statement that the agency cannot meet its statutory or administrative
20 obligations without disclosure of the participant's actual address;

21 (c) A particular statement of facts showing that other methods to
22 locate the program participant or the participant's actual address have
23 been tried and have failed or that the methods reasonably appear to be
24 unlikely to succeed;

25 (d) A statement that the agency has adopted a procedure setting
26 forth the steps the agency will take to protect the confidentiality of the
27 program participant's actual address; and

1 (e) Any other information as the executive director or his or her
2 designee may reasonably request in order to identify the program
3 participant in the records of the executive director or his or her designee.

4 (2)(a) The executive director or his or her designee shall provide
5 the program participant with notice of a request for disclosure received
6 pursuant to subsection (1) of this section, and, to the extent possible, the
7 participant shall be afforded an opportunity to be heard regarding the
8 request.

9 (b) Except as otherwise provided in paragraph (c) of this
10 subsection (2), the executive director or his or her designee shall provide
11 the program participant with written notification whenever a request for
12 a disclosure has been granted or denied pursuant to this section.

13 (c) No notice or opportunity to be heard shall be given to the
14 program participant when the request for disclosure is made by a state or
15 local law enforcement agency conducting a criminal investigation
16 involving alleged criminal conduct by the participant or when providing
17 notice to the participant would jeopardize an ongoing criminal
18 investigation or the safety of law enforcement personnel.

19 (3) The executive director or his or her designee shall promptly
20 conduct a review of all requests received pursuant to this section. In
21 conducting a review, the executive director or his or her designee shall
22 consider all information received pursuant to subsections (1) and (2) of
23 this section and any other appropriate information that the executive
24 director or his or her designee may require.

25 (4) The executive director or his or her designee shall grant a state
26 or local government agency's request for disclosure and disclose a
27 program participant's actual address pursuant to this section if:

1 (a) The agency has a bona fide statutory or administrative need for
2 the actual address.

3 (b) The actual address will only be used for the purpose stated in
4 the request.

5 (c) Other methods to locate the program participant or the
6 participant's actual address have been tried and have failed or such
7 methods reasonably appear to be unlikely to succeed.

8 (d) The agency has adopted a procedure for protecting the
9 confidentiality of the actual address of the program participant.

10 (5) Upon granting a request for disclosure pursuant to this section,
11 the executive director or his or her designee shall provide the state or
12 local government agency with the disclosure that contains:

13 (a) The program participant's actual address;

14 (b) A statement setting forth the permitted use of the actual
15 address and the names or classes of persons permitted to have access to
16 and use of the actual address;

17 (c) A statement that the agency is required to limit access to and
18 use of the actual address to the permitted use and persons set forth in the
19 disclosure; and

20 (d) The date on which the permitted use expires, if expiration is
21 appropriate, after which the agency may no longer maintain, use, or have
22 access to the actual address.

23 (6) A state or local government agency whose request is granted
24 by the executive director or his or her designee pursuant to this section
25 shall:

26 (a) Limit the use of the program participant's actual address to the
27 purposes set forth in the disclosure;

1 (b) Limit the access to the program participant's actual address to
2 the persons or classes of persons set forth in the disclosure;

3 (c) Cease to use and dispose of the program participant's actual
4 address upon the expiration of the permitted use, if applicable; and

5 (d) Except as otherwise set forth in the disclosure, maintain the
6 confidentiality of a program participant's actual address.

7 (7) Upon denial of a state or local government agency's request for
8 disclosure, the executive director or his or her designee shall provide
9 prompt written notification to the agency stating that the agency's request
10 has been denied and setting forth the specific reasons for the denial.

11 (8) A state or local government agency may file written
12 exceptions with the executive director or his or her designee no more than
13 fifteen days after written notification is provided pursuant to subsection
14 (7) of this section. The exceptions shall restate the information contained
15 in the request for disclosure, state the grounds upon which the agency
16 asserts that the request for disclosure should be granted and specifically
17 respond to the executive director's or his or her designee's specific reasons
18 for denial.

19 (9) Unless the state or local government agency filing exceptions
20 agrees otherwise, the executive director or his or her designee shall make
21 a final determination regarding the exceptions within thirty days after the
22 filing of exceptions pursuant to subsection (8) of this section. Prior to
23 making a final determination regarding the exceptions, the executive
24 director or his or her designee may request additional information from
25 the agency or the program participant and conduct a hearing. If the final
26 determination of the executive director or his or her designee is that the
27 denial of the agency's request for disclosure was properly denied, the

1 executive director or his or her designee shall provide the agency with
2 written notification of this final determination stating that the agency's
3 request has again been denied and setting forth the specific reasons for
4 the denial. If the final determination of the executive director or his or her
5 designee is that the denial of the agency's request for disclosure has been
6 improperly denied, the executive director or his or her designee shall
7 grant the agency's request for disclosure in accordance with this section.
8 The final determination of the executive director or his or her designee
9 shall constitute final agency action.

10 (10) The record before any judicial review of a final agency action
11 pursuant to subsection (9) of this section shall consist of the state or local
12 government agency's request for disclosure, the executive director's or his
13 or her designee's written response, the agency's exceptions, the hearing
14 transcript, if any, and the executive director's or his or her designee's final
15 determination.

16 (11) During any period of review, evaluation, or appeal, the
17 agency shall, to the extent possible, accept and use the program
18 participant's substitute address.

19 (12) Notwithstanding any other provision of this section, the
20 executive director or his or her designee shall establish an expedited
21 process for disclosure to be used by a criminal justice official or agency
22 for situations where disclosure is required pursuant to a criminal justice
23 trial, hearing, proceeding, or investigation involving a program
24 participant. An official or agency receiving information pursuant to this
25 subsection (12) shall certify to the executive director or his or her
26 designee that the official or agency has a system in place to protect the
27 confidentiality of a participant's actual address from the public and from

1 personnel who are not involved in the trial, hearing, proceeding, or
2 investigation.

3 (13) Nothing in this section shall be construed to prevent the
4 executive director or his or her designee from granting a request for
5 disclosure to a state or local government agency pursuant to this section
6 upon receipt of a program participant's written consent to do so.

7 **24-30-2111. Nondisclosure of address in criminal and civil**
8 **proceedings.** No person shall be compelled to disclose a program
9 participant's actual address during the discovery phase of or during a
10 proceeding before a court of competent jurisdiction or administrative
11 tribunal unless the court or administrative tribunal finds, based upon a
12 preponderance of the evidence, that the disclosure is required in the
13 interests of justice. A court or administrative tribunal may seal the portion
14 of any record that contains a program participant's actual address.
15 Nothing in this section shall prevent a state or local government agency,
16 in its discretion, from using a program participant's actual address in any
17 document or record filed with a court or administrative tribunal if, at the
18 time of filing, the document or record is not a public record.

19 **24-30-2112. Participation in the program - orders relating to**
20 **allocation of parental responsibilities or parenting time.** (1) Nothing
21 in this part 21, nor participation in the program, shall affect an order
22 relating to the allocation of parental responsibilities or parenting time in
23 effect prior to or during program participation.

24 (2) Program participation does not constitute evidence of domestic
25 violence, a sexual offense, or stalking and shall not be considered for
26 purposes of making an order allocating parental responsibilities or
27 parenting time; except that a court may consider practical measures to

1 keep a program participant's actual address confidential when making an
2 order allocating parental responsibilities or parenting time.

3 **24-30-2113. Rule-making authority.** The executive director or
4 his or her designee is authorized to adopt any rules in accordance with
5 article 4 of this title deemed necessary to carry out the provisions of this
6 part 21, excluding section 24-30-2114.

7 **24-30-2114. Surcharge - collection and distribution - address
8 confidentiality program surcharge fund - creation - definitions.**

9 (1) On and after July 1, 2007, each person who is convicted of the crimes
10 set forth in subsection (2) of this section shall be required to pay a
11 surcharge of twenty-eight dollars to the clerk of the court for the judicial
12 district in which the conviction occurs.

13 (2) The following crimes shall be subject to the surcharge set forth
14 in subsection (1) of this section:

15 (a) Stalking;

16 (b) A crime, the underlying factual basis of which has been found
17 by the court on the record to include an act of domestic violence; or

18 (c) Criminal attempt, conspiracy, or solicitation to commit the
19 crimes set forth in paragraphs (a) and (b) of this subsection (2).

20 (3) The clerk of the court shall allocate the surcharge required by
21 this section as follows:

22 (a) Five percent shall be retained by the clerk of the court for
23 administrative costs incurred pursuant to this section. Such amount
24 retained shall be transmitted to the state treasurer for deposit in the
25 judicial stabilization cash fund created in section 13-32-101 (6), C.R.S.

26 (b) Ninety-five percent shall be transferred to the state treasurer,
27 who shall credit the same to the address confidentiality program

1 surcharge fund created pursuant to subsection (4) of this section.

2 (4) (a) There is hereby created in the state treasury the address
3 confidentiality program surcharge fund, which shall consist of moneys
4 received by the state treasurer pursuant to this section and any moneys
5 received pursuant to section 24-30-2104 (2). The moneys in the fund shall
6 be subject to annual appropriation by the general assembly to the
7 department for the purpose of paying for the costs incurred by the
8 executive director or his or her designee in the administration of the
9 program. All interest derived from the deposit and investment of moneys
10 in the fund shall be credited to the fund. Any moneys not appropriated by
11 the general assembly shall remain in the fund and shall not be transferred
12 or revert to the general fund at the end of any fiscal year.

13 <{Should the moneys in the fund be put in the general fund?}>

14 (b) (Deleted by amendment, L. 2011, (HB 11-1080), ch. 256, p.
15 1121, § 2, effective June 2, 2011.)

16 (c) No general fund moneys shall be appropriated for the purpose
17 of implementing the address confidentiality program.

18 (5) The court may waive all or any portion of the surcharge
19 required by this section if the court finds that a person subject to the
20 surcharge is indigent or financially unable to pay all or any portion of the
21 surcharge. The court may waive only that portion of the surcharge that the
22 court finds that the person is financially unable to pay.

23 (6) As used in this section, "convicted" and "conviction" mean a
24 plea of guilty accepted by the court, including a plea of guilty entered
25 pursuant to a deferred sentence under section 18-1.3-102, C.R.S., a
26 verdict of guilty by a judge or jury, or a plea of no contest accepted by the
27 court.

1 24-30-2115. Address confidentiality program grant fund -
2 creation. (1) There is hereby created in the state treasury the address
3 confidentiality program grant fund, referred to in this section as the
4 "fund", which shall consist of any gifts, grants, or donations received by
5 the department for the fund pursuant to subsection (2) of this section. The
6 moneys in the fund shall be continuously appropriated by the general
7 assembly to the department for the purpose of paying for the costs
8 incurred by the executive director or his or her designee in the
9 administration of the program. All interest derived from the deposit and
10 investment of moneys in the fund shall be credited to the fund. Any
11 moneys not appropriated by the general assembly shall remain in the fund
12 and shall not be transferred or revert to the general fund at the end of any
13 fiscal year.

14 (2) The department is authorized to seek, accept, and expend gifts,
15 grants, and donations from private or public sources for the
16 implementation of the program. All private and public funds received
17 through gifts, grants, and donations shall be transmitted to the state
18 treasurer, who shall credit the same to the fund.

19 <{Should moneys, if any, in the fund be transferred to the general
20 fund?}>

21 SECTION 10. In Colorado Revised Statutes, 1-2-213, repeal (2)
22 (e) as follows:

23 1-2-213. Registration at driver's license examination facilities.
24 (2) (e) The department of revenue, through its local driver's
25 license examination facilities, shall notify a program participant, as
26 defined in section 24-30-2103 (8), C.R.S., who submits a current and
27 valid address confidentiality program authorization card, of the provisions

1 of section 24-30-2108 (4), C.R.S., and inform the participant about how
2 he or she may use a substitute address, as defined in section 24-30-2103
3 (13), C.R.S., on the driver's license or identification card.

4 **SECTION 11.** In Colorado Revised Statutes, 16-18.5-110, **repeal**
5 (1) (c.5) as follows:

6 **16-18.5-110. Order of crediting payments.** (1) Payments
7 received shall be credited in the following order:

8 (c.5) ~~Surcharges related to the address confidentiality program~~
9 ~~pursuant to section 24-30-2114, C.R.S.;~~

10 **SECTION 12.** In Colorado Revised Statutes, 18-1.3-204, **repeal**
11 (2.5) (i.9) as follows:

12 **18-1.3-204. Conditions of probation - interstate compact**
13 **probation transfer cash fund - creation.** (2.5) The order of priority for
14 any payments required of a defendant pursuant to subparagraph (IV), (V),
15 (VI), or (VI.5) of paragraph (a) of subsection (2) of this section shall be
16 as follows:

17 (i.9) ~~Payment of a surcharge related to the address confidentiality~~
18 ~~program pursuant to section 24-30-2114, C.R.S.;~~

19 **SECTION 13.** In Colorado Revised Statutes, 15-14-317, **amend**
20 (4) (a) as follows:

21 **15-14-317. Reports - monitoring of guardianship - court access**
22 **to records.** (4) (a) Whenever a guardian fails to file a report or fails to
23 respond to an order of the court to show cause why the guardian should
24 not be held in contempt of court, the clerk of the court or his or her
25 designee may research the whereabouts and contact information of the
26 guardian and the ward. To facilitate this research, the clerk of the court
27 or his or her designee shall have access to data maintained by other state

1 agencies, including but not limited to vital statistics information
2 maintained by the department of public health and environment, wage and
3 employment data maintained by the department of labor and employment,
4 lists of licensed drivers and income tax data maintained by the department
5 of revenue and provided pursuant to section 13-71-107, C.R.S., and voter
6 registration information obtained annually by the state court administrator
7 pursuant to section 13-71-107, C.R.S. The court may access the data only
8 to obtain contact information for the guardian or the ward.
9 Notwithstanding any provision of law to the contrary, the judicial
10 department and the other state agencies listed in this paragraph (a) may
11 enter into agreements for the sharing of this data. ~~The judicial department~~
12 ~~and the courts shall not access data maintained pursuant to the "Address~~
13 ~~Confidentiality Program Act", part 21 of article 30 of title 24, C.R.S.~~

14 **SECTION 14.** In Colorado Revised Statutes, 15-14-420, amend
15 (6) (a) as follows:

16 **15-14-420. Reports - appointment of monitor - monitoring -**
17 **records - court access to records.** (6) (a) Whenever a conservator fails
18 to file a report or fails to respond to an order of the court to show cause
19 why the conservator should not be held in contempt of court, the clerk of
20 the court or his or her designee may research the whereabouts and contact
21 information of the conservator and the protected person. To facilitate this
22 research, the clerk of the court or his or her designee shall have access to
23 data maintained by other state agencies, including but not limited to vital
24 statistics information maintained by the department of public health and
25 environment, wage and employment data maintained by the department
26 of labor and employment, lists of licensed drivers and income tax data
27 maintained by the department of revenue and provided pursuant to section

1 13-71-107, C.R.S., and voter registration information obtained annually
2 by the state court administrator pursuant to section 13-71-107, C.R.S. The
3 court may access the data only to obtain contact information for the
4 conservator or the ward. Notwithstanding any provision of law to the
5 contrary, the judicial department and the other state agencies listed in this
6 paragraph (a) may enter into agreements for the sharing of this data. The
7 judicial department and the courts shall not access data maintained
8 pursuant to the "Address Confidentiality Program Act", part 21 of article
9 30 of title 24, C.R.S.

10 SECTION 15. In Colorado Revised Statutes, ~~repeal~~ 22-30.5-520
11 as follows:

12 **22-30.5-520. Parent involvement - policy - communications -**
13 **incentives.** (1) The state charter school institute board is encouraged to
14 adopt a policy for increasing and supporting parent involvement in
15 institute charter schools. In adopting the policy, the institute board may
16 take into account, but need not be limited to, the best practices and
17 strategies identified pursuant to section 22-7-304 by the Colorado state
18 advisory council for parent involvement in education and the national
19 standards for family-school partnerships, as defined in section 22-7-302
20 (5).

21 (2) If the state board of education, pursuant to section 22-11-210,
22 determines that an institute charter school is required to adopt and
23 implement a school improvement plan as described in section 22-11-404,
24 a school priority improvement plan as described in section 22-11-405, or
25 a school turnaround plan as described in section 22-11-406, the institute
26 charter school, within thirty days after receiving the initial notice of the
27 determination or, if the determination is appealed, the final notice of the

1 determination, shall notify the parents of the students enrolled in the
2 school of the required plan and the issues identified by the department of
3 education as giving rise to the need for the required plan. The notice shall
4 also include the timeline for developing and adopting the required plan
5 and the date, time, and location of a public hearing to be held by the
6 institute charter school or the institute, whichever is responsible for
7 adopting the plan, to review the required plan prior to final adoption. At
8 the public hearing, the institute charter school principal or the institute
9 shall also review the institute charter school's progress in implementing
10 its plan for the preceding year and in improving its performance. The date
11 of the public hearing shall be at least thirty days after the date on which
12 the institute charter school provides the written notice.

13 (3) The institute board may solicit, accept, and expend public or
14 private gifts, grants, or donations to implement all or a portion of the
15 parent involvement programs implemented under a policy adopted
16 pursuant to this section.

17 SECTION 16. In Colorado Revised Statutes, 22-11-404, amend
18 (2) (b) as follows:

19 **22-11-404. School improvement plan - contents.** (2) (b) The
20 school accountability committee for the institute charter school shall
21 advise the principal concerning preparation of the school improvement
22 plan and shall make recommendations to the principal concerning the
23 contents of the school improvement plan. The principal shall create and
24 adopt the school improvement plan, taking into account the advice and
25 recommendations of the school accountability committee. Prior to
26 adopting the school improvement plan, the principal shall hold a public
27 hearing to review the plan as required in section 22-30.5-520 (2).

1 **SECTION 17.** In Colorado Revised Statutes, 22-11-405, amend

2 (2) (b) as follows:

3 **22-11-405. School priority improvement plan - contents.**

4 (2) (b) The school accountability committee for the institute charter
5 school shall advise the institute concerning preparation of the school
6 priority improvement plan and shall make recommendations to the
7 institute concerning the contents of the school priority improvement plan.
8 The institute shall create and adopt the school priority improvement plan,
9 taking into account the advice and recommendations of the school
10 accountability committee. Prior to adopting the school priority
11 improvement plan, the institute shall hold a public hearing to review the
12 plan as required in section 22-30.5-520 (2).

13 **SECTION 18.** In Colorado Revised Statutes, 22-11-406, amend

14 (2) (b) as follows:

15 **22-11-406. School turnaround plan - contents.** (2) (b) The
16 school accountability committee for the institute charter school shall
17 advise the institute concerning preparation of the school turnaround plan
18 and shall make recommendations to the institute concerning the contents
19 of the school turnaround plan. The institute shall create and adopt the
20 school turnaround plan, taking into account the advice and
21 recommendations of the school accountability committee. Prior to
22 adopting the school turnaround plan, the institute shall hold a public
23 hearing to review the plan as required in section 22-30.5-520 (2).

24 **SECTION 19.** In Colorado Revised Statutes, repeal part 22 of
25 article 30 of title 24 as follows:

26 **24-30-2201. Short title.** This part 22 shall be known and may be
27 cited as the "Laura Hershey Disability-Benefit Support Act".

1 24-30-2202. Definitions. As used in this part 22, unless the
2 context otherwise requires:

3 (1) "Committee" means the disabled-benefit support contract
4 committee created in section 24-30-2203.

5 (2) "Disability benefits" means cash payments from social security
6 disability insurance under Title II of the federal "Social Security Act", 42
7 U.S.C. sec. 401 et seq., as amended, cash payments made by the federal
8 government to persons who are aged, blind, or disabled under Title XVI
9 of the federal "Social Security Act", 42 U.S.C. sec. 401 et seq., as
10 amended, and long-term care under the "Colorado Medical Assistance
11 Act", articles 4 to 6 of title 25.5, C.R.S.

12 (3) "Nonprofit entity" means an entity incorporated under the
13 "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of
14 title 7, C.R.S., or a tax-exempt entity under 26 U.S.C. sec. 501(c)(3) of
15 the federal "Internal Revenue Code of 1986".

16 (4) "Recipient" means a person who receives disability benefits
17 or long-term care services.

18 24-30-2203. Disabled-benefit support contract committee.

19 (1) The disabled-benefit support contract committee is hereby created
20 within the department of personnel. The committee consists of nine
21 members appointed by the governor as follows:

22 (a) Three members who are disabled and currently receiving
23 disability benefits or have received application assistance;

24 (b) One member of a statewide, cross-disability organization
25 representing persons with disabilities;

26 (c) One member who is trained to increase access to disability
27 benefits for persons with disabilities by an organization supported by the

1 United States social security administration;

2 (d) One member who is a medical doctor;

3 (e) One member who is a mental health professional;

4 (f) One member who is an expert in nonprofit management; and

5 (g) One member appointed by the executive director of the

6 department of personnel.

7 (2) Members of the committee serve three-year terms, except that

8 members appointed under paragraph (a) of subsection (1) of this section

9 serve an initial term of one year, and members appointed under

10 paragraphs (b), (c), and (d) of subsection (1) of this section serve an

11 initial term of two years.

12 (3) An act of the committee is void unless a majority of the

13 members has voted in favor of the act.

14 (4) The committee shall implement section 24-30-2204 using the

15 disability-benefit support fund created in section 24-30-2205.

16 (5) The committee is authorized to seek and accept grants or

17 donations from private or public sources for the purposes of this part 22;

18 except that the committee shall not accept a gift, grant, or donation that

19 is subject to conditions that are inconsistent with this part 22 or part 13 of

20 article 75 of this title regarding the status of grants and donations made

21 to state agencies. The committee shall transmit the moneys to the

22 disability-benefit support fund.

23 (6) The committee has the following duties and powers:

24 (a) To sue and be sued and otherwise assert or defend the

25 committee's legal interests;

26 (b) To prepare and sign contracts;

27 (c) To have and exercise all rights and powers necessary or

1 incidental to, or implied from, the specific powers granted in this part 22;
2 and

3 (d) To fix the time and place at which meetings may be held.

4 (7) The committee may hire employees or obtain the services of
5 professional advisors.

6 (8) The attorney general is the legal counsel for the committee.

7 24-30-2204. Program to assist persons to obtain disability
8 benefits - repeal. (1) Within six months after the first transfer to the
9 disability-benefit support fund from the registration number fund created
10 in section 42-1-407, C.R.S., the committee shall invite nonprofit entities
11 to submit a proposal for a program to aid persons with disabilities in
12 accessing disability benefits. To qualify, the nonprofit organization must
13 be based in Colorado and governed by a board that:

14 (a) Is composed of persons with a demonstrated commitment to
15 improving the lives of recipients with disabilities;

16 (b) Contains members who understand a range of significant
17 disabilities, including physical and mental; and

18 (c) Contains a majority of either:

19 (I) Recipients with disabilities; or

20 (II) Family members of recipients with disabilities who have
21 experience in representing the interests of a person with a disability.

22 (2) (a) (I) The committee shall review the proposed programs and
23 shall award a contract to the nonprofit entity that best meets the
24 requirements of this section in accordance with the "Procurement Code",
25 articles 101 to 112 of this title.

26 (II) The term of the contract is one year. Before the contract
27 expires, the committee shall evaluate whether the nonprofit entity and the

1 contract are reasonably meeting the requirements of this section,
2 including objective and quantitative evaluations, whenever possible, of
3 the satisfaction of program participants, the program's success in
4 obtaining disability benefits for program participants, the program's
5 effectiveness at helping program participants obtain jobs, and
6 improvements in the quality of life of program participants. The
7 committee shall include the evaluation criteria in the contract.

8 (III) The committee may renew the contract annually for up to five
9 years. After five years, the committee shall reopen the contract to a
10 competitive bid process.

11 (b) The committee shall not award the contract unless the proposal
12 includes:

13 (I) A system for evaluating whether a person with a disability is
14 reasonably able to navigate the application process to obtain disability
15 benefits, health care, and employment;

16 (II) A system for prioritizing the need of applicants based upon
17 the evaluations;

18 (III) A plan for assisting persons with disabilities in navigating the
19 processes of obtaining and retaining disability benefits, health care, and
20 employment;

21 (IV) A plan for establishment of working relationships with state
22 agencies, county departments of human services, health care providers,
23 the United States social security administration, and the business
24 community;

25 (V) A policy of preferential hiring of persons with disabilities;

26 (VI) Reasonable standards for accounting control of expenditures;

27 (VII) Metrics to evaluate the program's quality and

1 cost-effectiveness;

2 (VIII) Effective July 1, 2016, the ability to serve persons with
3 disabilities statewide; and

4 (IX) A plan for serving persons with disabilities statewide within
5 five years. This subparagraph (IX) is repealed, effective July 1, 2016.

6 (c) The committee shall not discriminate against a contracting
7 entity for advocacy concerning persons with disabilities.

8 (3) The entity awarded a contract under this section shall make
9 quarterly reports of expenditures to the department of personnel, which
10 shall make the reports available to the committee. The committee shall
11 include in the contract a method and format for making the reports.

12 **24-30-2205. Disability-benefit support fund.** The
13 disability-benefit support fund is hereby created in the state treasury. The
14 moneys in the fund consist of amounts transferred to the fund under
15 section 42-1-407, C.R.S., or transferred to the fund under section
16 24-30-2203 (5). The committee shall use the moneys in the fund to
17 implement this part 22; except that the committee may direct the state
18 treasurer to transfer moneys in the fund to the registration number fund
19 created in section 42-1-407, C.R.S., to fund the implementation of part 4
20 of article 1 of title 42, C.R.S. The committee shall not use more than five
21 percent of the money in the fund to administer this part 22. The state
22 treasurer shall credit all interest earned on the investment of moneys in
23 the fund to the fund. At the end of each fiscal year, the moneys in the
24 fund, including income earned from investment, remain in the fund. The
25 general assembly shall appropriate the moneys in the fund to the
26 department of personnel or governor's office to implement this part 22.
27 <*{Should the balance in the fund, if any, be transferred to the general*

1 fund?>

2 ~~24-30-2206. Implementation.~~ The general assembly does not
3 intend to require the department of personnel to expend moneys to
4 implement this part 22. Notwithstanding any other section of this part 22,
5 the department of personnel and the committee need not implement this
6 part 22 until the disability-benefit support fund contains enough money
7 to implement this part 22.

8 ~~24-30-2207. Sunset review - repeal of part.~~ (1) This part 22 is
9 repealed, effective September 1, 2021.

10 (2) Prior to such repeal, the department of regulatory agencies
11 shall review the assistance program for disability benefits as provided for
12 in section 24-34-104.

13 **SECTION 20.** In Colorado Revised Statutes, 24-34-104, ~~repeal~~
14 (52.5) (a) as follows:

15 ~~24-34-104. General assembly review of regulatory agencies~~
16 and functions for termination, continuation, or reestablishment.

17 (52.5) The following agencies, functions, or both, terminate on September
18 1, 2021:

19 (a) The assistance program for disability benefits under part 22 of
20 article 20 of this title;

21 **SECTION 21.** In Colorado Revised Statutes, ~~repeal~~ part 4 of
22 article 1 of title 42 as follows:

23 ~~42-1-401. Definitions.~~ As used in this part 4, unless the context
24 otherwise requires:

25 (1) "Group" means the license plate auction group created in
26 section 42-1-403.

27 (2) "Registration number" means the unique combination of letters

1 and numbers assigned to a vehicle by the department under section
2 42-3-201 and required to be displayed on the license plate by section
3 42-3-202.

4 (3) "Vehicle" means a vehicle required to be registered pursuant
5 to part 1 of article 3 of this title.

6 42-1-402. License to buy and sell selected registration numbers
7 for license plates. (1) The state or a person may sell, and the state or a
8 person may purchase, the exclusive right to use a registration number
9 selected by the group under section 42-1-404 for the purpose of
10 registering a vehicle under article 3 of this title.

11 (2) The right to use a registration number is a perpetual license,
12 the use of which is subject to compliance with this part 4.

13 42-1-403. License plate auction group. (1) The license plate
14 auction group is hereby created within the office of the governor.

15 (2) The group consists of seven members, appointed as follows:

16 (a) One member who is appointed by the executive director of the
17 department of revenue and who is not a member of the Colorado advisory
18 council for persons with disabilities created in section 24-45.5-103,
19 C.R.S.;

20 (b) One member who is appointed by the governor to represent
21 persons with disabilities and who is not a member of the Colorado
22 advisory council for persons with disabilities;

23 (c) One member appointed by the president of the senate to
24 represent persons with disabilities;

25 (d) One member appointed by the Colorado advisory council for
26 persons with disabilities;

27 (e) One member appointed by the director of the Colorado office

1 of economic development;

2 (f) One member appointed by the chief of the Colorado state
3 patrol; and

4 (g) One member appointed by the chief information officer
5 appointed under section 24-37.5-103, C.R.S.

6 (3) An act of the group is void unless a majority of the governing
7 body votes for the act.

8 (4) The members of the group serve at the pleasure of the
9 appointing entity.

10 (5) The group has the following duties and powers:

11 (a) To adopt and use a seal and to alter the same at its pleasure;

12 (b) To sue and be sued and otherwise assert or defend the group's
13 legal interests;

14 (c) To acquire office space, equipment, services, supplies, and
15 insurance necessary to carry out the purposes of this part 4;

16 (d) To accept any gifts, grants, and loans of money, property, or
17 other aid from the federal government, the state, any state agency, or any
18 other source if the group complies with this part 4 and part 13 of article
19 75 of this title;

20 (e) To have and exercise all rights and powers necessary or
21 incidental to, or implied from, the specific powers granted in this part 4;

22 (f) To fix the time and place at which meetings may be held;

23 (g) To elect a member as executive director of the group and other
24 officers; and

25 (h) To hire employees and professional advisers as needed.

26 (6) The attorney general is the legal counsel for the group.

27 42-1-404. Sale of registration numbers by group. (1) The

1 group shall raise money by auctioning to a buyer the right to use valuable
2 letter and number combinations for a registration number:

3 (2) (a) The group shall study the market and determine which
4 registration numbers are the most valuable, including both the types of
5 plates currently issued and any type of plate that has been historically
6 issued. Based on the study, the group shall select the most valuable
7 registration numbers and request the department to verify whether plates
8 with the registration numbers are currently issued. The group shall not
9 send the request to the department more than once every six months.

10 (b) Upon receiving the group's request, the department shall verify
11 whether the plates are currently issued. If the plate is not currently issued,
12 the department shall reserve the registration number until the group
13 notifies the department to release the registration number.

14 (c) If a registration number is not currently issued, the group may
15 auction the right to use the registration number in a manner calculated to
16 bring the highest price, except that the department may deny the sale or
17 use of a registration number that is offensive or inappropriate.

18 **42-1-405. Creation of a private market for registration**
19 **numbers - fee.** (1) The group shall raise money by creating a market,
20 which may include an on-line auction site, for registration numbers using
21 methods that are commercially reasonable, account for expenditures, and
22 ensure the collection of the state's approval and transfer royalty.

23 (2) The royalty for the state's approval and transfer of the right to
24 use a registration number is twenty-five percent of the sale price of the
25 transfer. At the time of sale, the purchaser shall pay the royalty to the
26 group. This payment is not in lieu of the normal registration fees or
27 specific ownership tax.

1 (3) A person shall not sell a registration number and the
2 department shall not assign a registration number as a result of the right
3 to use the number being sold to a vehicle unless the registration number
4 was sold using the market created by the group.

5 **42-1-406. Administration.** (1) The group shall notify the
6 department when the right to use a registration number has been sold and
7 the group has collected the state's sale proceeds or approval and transfer
8 royalty. Upon receiving the notice, the department shall create a record
9 in the Colorado state titling and registration system, created in section
10 42-1-211, containing the name of the buyer, the vehicle identification
11 number, if applicable, and the corresponding registration number.

12 (2) If the registration number consists of a combination of letters
13 and numbers that is not within the normal format of license plate
14 currently produced for the department, the department shall issue the
15 plates as personalized plates under section 42-3-211; except that,
16 notwithstanding section 42-3-211, the auction group may sell, and the
17 buyer or any subsequent buyer may use, a registration number or letter of
18 one position.

19 (3) The group shall transfer the moneys collected under this part
20 4 to the state treasurer, who shall credit them to the registration number
21 fund created in section 42-1-407.

22 (4) The group may contract with one or more public or private
23 entities to implement this part 4.

24 (5) Any moneys received by the group shall be deposited in the
25 registration number fund.

26 **42-1-407. Registration number fund.** (1) The registration
27 number fund is hereby created in the state treasury. The moneys in the

1 fund consist of the proceeds from the sale of registration numbers under
2 section 42-1-404 and the royalty from private sales of registration
3 numbers under section 42-1-405.

4 (2) The general assembly shall appropriate the amounts necessary,
5 not to exceed five percent of the fund, to implement this part 4 from the
6 registration number fund to the department, the governor's office, and the
7 group.

8 (3) (a) (I) Except as specified in paragraph (b) of this subsection
9 (3), at the end of each fiscal year, the state treasurer shall transfer one
10 million five hundred thousand dollars, or the balance of the registration
11 number fund if the balance is a lesser amount, from the registration
12 number fund to the disability-benefit support fund created in section
13 24-30-2205, C.R.S.

14 (II) If any moneys remain in the registration number fund after the
15 transfer required by subparagraph (I) of this paragraph (a), the state
16 treasurer shall transfer two million five hundred thousand dollars, or the
17 balance of the fund if the balance is a lesser amount, from the registration
18 number fund to the general fund.

19 (III) If any moneys remain in the registration number fund after
20 the transfers required by subparagraphs (I) and (II) of this paragraph (a),
21 the state treasurer shall transfer the balance from the registration number
22 fund to the disability-benefit support fund created by section 24-30-2205,
23 C.R.S.

24 (b) The treasurer shall adjust the transfers required by paragraph
25 (a) of this subsection (3) on July 1 of each year in proportion to the
26 aggregate change in the United States department of labor bureau of labor
27 statistics consumer price index for all urban consumers for the

1 Denver-Boulder-Greeley consolidated metropolitan statistical area. The
2 treasurer may round the dollar amount of the adjustment to the nearest ten
3 dollars.

4 **SECTION 22.** In Colorado Revised Statutes, 42-3-211, amend
5 (3) (a) as follows:

6 **42-3-211. Issuance of personalized plates authorized.**
7 (3) (a) Personalized license plates shall be the same color and design as
8 regular motor vehicle license plates, shall consist of any combination of
9 numbers or letters not exceeding seven positions and not less than two
10 positions, except as otherwise provided in section 42-1-406 (2); and shall
11 not conflict with existing passenger, commercial, trailer, motorcycle, or
12 other special license plates series; except that personalized license plates
13 bearing the words "street rod" shall be of a design determined by the
14 executive director of the department, which design shall be different from
15 those used by the state for regular motor vehicle license plates.

16 **SECTION 23. Act subject to petition - effective date.** This act
17 takes effect August 12, 2013; except that, if a referendum petition is filed
18 pursuant to section 1 (3) of article V of the state constitution against this
19 act or an item, section, or part of this act within the ninety-day period
20 after final adjournment of the general assembly, then the act, item,
21 section, or part will not take effect unless approved by the people at the
22 general election to be held in November 2014 and, in such case, will take
23 effect on the date of the official declaration of the vote thereon by the
24 governor. <*{The 8/12/13 date is selected to post-date the expiration of
the 2-year period of time following the six 2011 bills' effective dates.}*>

